



Express Mail No. EV 335 856 600 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Pramod K. Srivastava	Confirmation No.:	To Be Assigned
Serial No.:	To Be Assigned; Continuation of Application Serial No. 09/090,754, filed June 4, 1998	Art Unit:	To Be Assigned
Filed:	On Even Date Herewith	Examiner:	To Be Assigned
For:	COMPOSITIONS AND METHODS FOR THE PREVENTION AND TREATMENT OF PRIMARY AND METASTATIC NEOPLASTIC DISEASES AND INFECTIOUS DISEASES WITH HEAT SHOCK/STRESS PROTEINS	Attorney Docket No:	8449-317-999

DECLARATION UNDER 37 C.F.R. § 1.68 AND M.P.E.P. 608.01(p)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.68 and M.P.E.P. 608.01(p), the undersigned Attorney representing the Applicant of the above-identified application declares as follows:

1. The following two references were each incorporated by reference into the specification of the above-identified application as filed at page 16, lines 19-21:

- a) Gething, *et al.*, 1992 *Nature* 355:33-45; and
- b) Lindquist, *et al.*, 1988, *Annu. Rev. Genetics* 22:631-677.

2. In a Preliminary Amendment filed concurrently herewith in connection with the above-identified application, certain text from each of these references has been included in the specification by amendment at page 16, line 25. More specifically the actual text of Table 1 at page 35 of Gething *et al.* has been included in the specification. In addition, the actual text of the first two sentences below the heading "*Saccharomyces*

cerevisiae" at page 642, lines 5-10 of Lindquist *et al.* has been included in the specification.

3. I hereby state that the amendatory material referred to in paragraph 2, above, which has been included in the specification at page 16, line 25, consists of the same material incorporated by reference in the application as filed at page 16, lines 19-21.

4. I declare further that all statements made in this Declaration of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 12, 2003

Respectfully submitted,

Samuel B. Abrams Reg No 30605

By: *Michael J. Ryan Reg No 41283*

Samuel B. Abrams

30,605

(Reg. No.)

PENNIE & EDMONDS LLP

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New York, New York 10036-2711

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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled "COMPOSITIONS AND METHODS FOR THE PREVENTION AND TREATMENT OF PRIMARY AND METASTATIC NEOPLASTIC DISEASES AND INFECTIOUS DISEASES WITH HEAT SHOCK/STRESS PROTEINS"

the specification of which:

☐ is attached hereto

☒ was filed in the United States on September 13, 1995 as Application Serial No. 08/527,391 (for declaration not accompanying application) with amendment(s) filed on _____ (if applicable)

☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

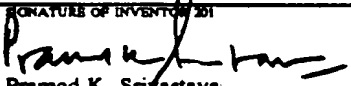
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30,605), Steven I. Wallach (Reg. No. 35,402), and Marcia H. Sundeen (Reg. No. 30893), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711			DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  Pramod K. Srivastava	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE Nov 6 1995	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE